



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/796,912

03/08/2004

James M. Brugger

53951-123

1670

21890

7590

10/19/2006

PROSKAUER ROSE LLP  
PATENT DEPARTMENT  
1585 BROADWAY  
NEW YORK, NY 10036-8299

EXAMINER

BIANCO, PATRICIA

ART UNIT

PAPER NUMBER

3772

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

***Notice of Non-responsive Amendment***

The reply filed on 8/7/06 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant submitted a response to a Species Election that was mailed on 7/5/06. Applicant's election was to "**elect species A, corresponding to claims 1-10, 20-24.**" However, the application as originally filed has only claims 1-15 pending and no preliminary amendments directed to the claims is of record. Further, the Species Requirement mailed 7/5/06 set forth the following species: **Species A: Claims 1-12 and Species B: Claims 13-15.** As a result, the election is not proper and a proper election is required in response to this paper.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

***Conclusion***

Any inquiry concerning this communication should be directed to Patricia M. Bianco at telephone number (571) 272-4940.

October 15<sup>th</sup>, 2006

  
Patricia M Bianco  
SPE  
Art Unit 3772